

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
OCT 30 2007
at 1 o'clock and 00 min P.M.
SUE BEITIA, CLERK

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

IN RE:
ESTATE OF FERDINAND MARCOS
HUMAN RIGHTS LITIGATION

REPLY MEMORANDUM IN
SUPPORT OF MOTION FOR
EXTENSION OF JUDGMENT

MDL NO. 840

Cv. No. 86-225
Cv. No. 87-138

THIS DOCUMENT RELATES TO:

Sison v. Marcos;
Piopongco v. Marcos.

DATE: To be set
TIME: To be set
COURTROOM: To be set
JUDGE: Manuel L. Real

1 There is no reason to defer granting the *Sison/Piopongco* Plaintiffs' motion
2 to extend the Judgment in this case because of the pendency of the appeal in *In re*
3 *Estate of Ferdinand E. Marcos Human Rights Lit.*, No 06-16301. This Court
4 should rule in the same manner and there will be time enough to consider the
5 impact of any decision in the pending appeal.

6 It should also be noted that there is no issue about the ten year period with
7 respect to the claims of plaintiffs Jose Maria Sison and Jaime Piopongco because
8 they filed their motion within ten years of the entry of the Amended Judgment in
9 their favor after the remand in the initial appeal in this case. Thus, even an
10 adverse decision in the Court of Appeals would not effect their entitlement to the
11 extension of their Judgment.

12 The Estate has thwarted the efforts of all the plaintiffs, class or individual,
13 in these cases to collect on their Judgments for too long. The Estate should not
14 be able to escape payment of these Judgments simply by making it difficult for
15 anyone to collect the Judgments over a long period of time. Such a result would
16 be utterly inconsistent with the central principles of accountability underlying the
17 Alien Tort Statute in human rights cases.

18 Moreover, especially after the Supreme Court's decision in *Sosa v Alvarez-*
19 *Machain*, 542 U.S. 692 (2004), which cited this case with approval and found that
20 the Alien Tort Statute implemented federal common law, there is no room for
21 state-created limitations on the enforceability of an ATS judgment for torture,
22 disappearance and summary execution. The Marcos Estate cannot be allowed to
23 avoid its obligations to pay compensation to all of the human rights victims who
24 brought these actions.

1 The Estate has requested oral argument on these issues. The
2 *Sison/Piopongco* plaintiffs believe that the issues raised in this motion can be
3 resolved without a hearing given the fact that these issues have been briefed and
4 argued in the context of the class action case.

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6 Respectfully submitted,

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8 Dated: October 29, 2007

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11 Paul L. Hoffman
12 Attorney for *Sison/Piopongco* Plaintiffs
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 723 Ocean Front Walk, Venice, California 90291.

On **October 29, 2007** I served the foregoing document described as:

**REPLY MEMORANDUM IN SUPPORT OF MOTION
FOR EXTENSION OF JUDGMENT**

on all interested parties in this action. By placing the ___ original or a X true copy thereof enclosed in sealed envelope addressed as follows:

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Jonathan A. Cotton

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